

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

LISA DESIMONE et al., on behalf of themselves and all  
others similarly situated,

Plaintiffs,

v.

SELECT PORTFOLIO SERVICING, INC.,

Defendant.

Case No. 1:20-cv-03837-PKC-TAM

**DEFENDANT SELECT PORTFOLIO SERVICING, INC.'S  
NOTICE OF MOTION TO DISMISS THE CONSOLIDATED  
CLASS ACTION COMPLAINT**

PLEASE TAKE NOTICE that Defendant Select Portfolio Servicing, Inc. (“SPS”), by its undersigned counsel, hereby moves this Court for an Order pursuant to Federal Rule of Civil Procedure 12(b)(6) dismissing the Consolidated Class Action Complaint filed in this action for failure to state a claim upon which relief can be granted. In support of its Motion, SPS relies upon the Memorandum of Law in Support of its Motion to Dismiss the Consolidated Class Action Complaint and the Declaration of Alyssa A. Sussman and attached exhibits, filed concurrently herewith, and other case filings referenced in the Memorandum.

Dated: April 22, 2022

Respectfully submitted,

/s/ Alyssa A. Sussman  
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*Attorneys for Defendant Select Portfolio  
Servicing, Inc.*

**CERTIFICATE OF SERVICE**

I, Alyssa A. Sussman, hereby certify that on April 22, 2022, I caused a true and correct copy of the foregoing to be served by electronic mail to all counsel of record pursuant to prior agreement.

/s/ Alyssa A. Sussman  
Alyssa A. Sussman